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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/662,697	09/15/2003	William J. Boyle	ACS 65470 (2309D)	9777

24201 7590 08/27/2010  
FULWIDER PATTON LLP  
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LOS ANGELES, CA 90045

EXAMINER
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TRUONG, KEVIN THAO

ART UNIT	PAPER NUMBER
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3734

MAIL DATE	DELIVERY MODE
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08/27/2010

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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*Ex parte* WILLIAM J. BOYLE, BENJAMIN C. HUTER,  
CHARLES R. PETERSON, DONALD E. SCHWARTEN, and  
RICHARD S. STACK

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Appeal 2009-006121  
Application 10/662,697  
Technology Center 3700

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Before DALE M. SHAW, *Division 2 Support Administrator*.

ORDER DENYING REQUEST FOR ORAL HEARING

The applicants filed an Appeal Brief which contained a Request for Oral Hearing on July 17, 2006. The Request for Oral Hearing is denied.

The rule pertaining to Oral Hearings is 37 C.F.R. § 41.47. The rule in pertinent part states:

(b) If appellant desires an oral hearing, appellant must file, as a separate paper captioned "REQUEST FOR ORAL HEARING," a written request for such hearing accompanied by the fee set forth in § 41.20(b)(3) within two months from the date of the examiner's answer or supplemental examiner's answer.

Appeal 2009-006121  
Application 10/662,697

As can be seen by 37 C.F.R. § 41.47(b), the request for an oral hearing must be filed by a separate written request captioned “REQUEST FOR ORAL HEARING.” In the instant application, the Request for Oral Hearing was contained in the Appeal Brief and was not filed separately. Thus, the Request for Oral Hearing filed July 17, 2006, does not comply with 37 C.F.R. § 41.47(b) and must be denied.

Accordingly, Appellant’s request for an oral hearing is  
DENIED.

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

DMS/mls

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